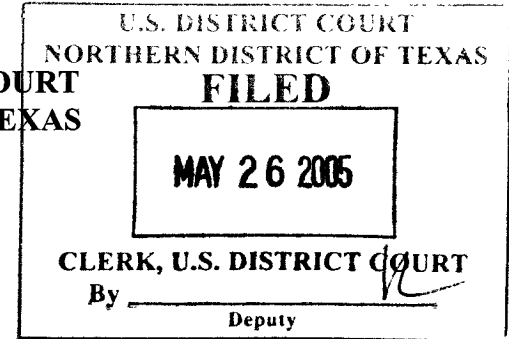


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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**



**LARRY DELMARECK SMITH,**

**Petitioner,**

**v.**

**DOUGLAS DRETKE, Director  
Texas Department of Criminal Justice,  
Correctional Institutions Division,**

**Respondent.**

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**Civil Action No. 3:03-CV-1975-L**

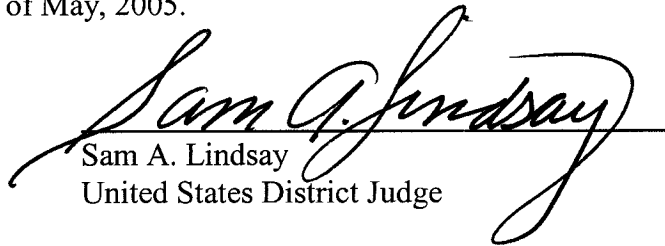
**ORDER**

This is a habeas case brought under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On May 9, 2005, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") were filed, to which Petitioner filed no objections.

On May 30, 2002, Petitioner pleaded guilty to possession with intent to deliver four grams or more but less than 200 grams of cocaine. Petitioner was sentenced to 15 years confinement. Petitioner now contends that his guilty plea was involuntary because the evidence was legally and factually insufficient to show that he possessed the cocaine. The magistrate judge found that the plea was voluntary and supported by sufficient evidence; and that Petitioner offered nothing more than self-serving allegations to support his claim of an involuntary plea. The magistrate judge, therefore, recommended that the petition for writ of habeas corpus be denied.

After making an independent review of the pleadings, file and record in this case, and the findings, conclusions and recommendation of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct. They are therefore accepted as those of the court. Accordingly, Petitioner's petition for habeas corpus is hereby **denied**, and this action is **dismissed with prejudice**.

It is so ordered this 26<sup>th</sup> day of May, 2005.

  
Sam A. Lindsay  
United States District Judge